


# The Essence of the Teaching of Causality in Revealing Deaths Due to Premeditated Murder

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## Abstract

**Introduction:** This article analyzes the contribution of the doctrine of causality in uncovering deaths resulting from premeditated murder. The doctrine of causality is essentially very important and needed to determine a person's guilt for actions that cause consequences. It is appropriate for the defendant to be processed, prosecuted and sentenced to life imprisonment according to the level of guilt.

**Purposes of the Research:** The aim of this research is to examine more specifically the importance of the doctrine of causality in uncovering someone's death as a result of premeditated murder in Jayapura City and the obstacles.

**Methods of the Research:** The method chosen is normative legal research with an emphasis on secondary data. The statutory approach and case approach were chosen to study the application of the doctrine of causality. So that it can be known with certainty the determination of guilt and criminal responsibility. Primary legal materials and secondary legal materials are sources of data collection. Analysis of research results is carried out by providing criticism, support, comments, then a conclusion is made using a literature review.

**Results of the Research:** The research results prove that in uncovering the case of the death of a victim of premeditated murder in Jayapura City, law enforcement officers chose a generalizing theory. In an effort to search for and find the relationship between the defendants' actions, the combined balance theory becomes the starting point for determining the defendant's guilt. The combined balance theory has the advantage that it can be used to calculate carefully and precisely. Both defendants were sentenced to life imprisonment for the crimes they committed. The obstacle is the difficulty of finding witnesses, evidence and other evidence.

**Keywords:** Theory Causality; Death; Premeditated Murder.

Submitted: 2023-11-15

Revised: 2024-06-29

Accepted: 2024-06-29

Published: 2024-06-30

How To Cite: Budiyanto, Valentino Pamolango, and Deppa Ringgi. "The Essence of the Teaching of Causality in Revealing Deaths Due to Premeditated Murder." SASI 30 no. 2 (2024): 198-215. <https://doi.org/10.47268/sasi.v30i2.1904>

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## INTRODUCTION

Criminal acts that result in the loss of a person's life often occur in society. The cause of a person's death can be determined easily and simply. However, sometimes a person's death is very difficult to find and determine the cause. This is because there are so many events or actions that precede and follow until the death occurs. For example, the premeditated murder case by Jessica Kumala Wongso against the victim Mirna (Wayan Mirna Salihin) is a strange case and has received the attention of many people.<sup>1</sup> The public was made curious and interested in finding out the cause of the actions that led to Mirna's death.<sup>2</sup> Assumptions

<sup>1</sup>Namira Diffany Nuzan, Gratia Ester Simatupang, Fernanda Naulisa Situmorang, Meiliani, dan Yistine Burnama, Analisis Kasus Hukum Kopi Sianida Mirna Salihin: Implikasi Hukum Pidana dan Prosedur Hukum Indonesia, *Jurnal Kewarganegaraan* 7, no.2 Desember (2023): 2051-2055. <https://journal.upy.ac.id/index.php/pkn/article/view/5587>.

<sup>2</sup>MYS, "Ajaran Kausalitas Dalam Kasus Pembunuhan," *Hukumonline.com*, 29 September 2016. <https://www.hukumonline.com/berita/a/ajaran-kausalitas-dalam-kasus-pembunuhan-berencana-1t57ec95469a3e2/>.

and arguments emerged, because it was reported that his death was caused by drinking Vietnamese iced coffee which contained cyanide poison.<sup>3</sup> Many controversies and irregularities have arisen regarding the amount of poison contained in Mirna and the results of Mirna's autopsy, giving rise to many questions about the truth. Police investigators continue to look for evidence and evidence to find the cause of the victim's death. In the end, Article 340 of the Criminal Code (KUHP) concerning premeditated murder was applied to ensnare the perpetrator.

The Jessica Kumala Wongso case is interesting to use as reference and comparison material with one of the premeditated murder cases in Jayapura City which was carried out by CC (pseudonym CC) as the victim's wife, and MM (pseudonym MM) as CC's other dream man. The case of 1 defendant CC is contained in the Class IA Jayapura District Court Decision Number: 508/Pid.B/2021/PN Jap, the Jayapura High Court Appeal Decision Number: 33/PID/2022/PT JAP, and the Supreme Court Cassation Decision Number: 1160 K /Pid/2022. The case of 2 defendants MM as stated in the Class IA Jayapura District Court Decision Number: 509/Pid.B/2021/PN Jap, the Jayapura High Court Appeal Decision Number: 34/PID/2022/PT JAP, and the Supreme Court Cassation Decision Number: 1159 K/Pid/2022. Both defendants were ultimately sentenced to life imprisonment, although MM was sentenced to 20 years imprisonment at the appeal decision level, but this was changed to life imprisonment at the cassation level.

The case in Jayapura City has attracted the attention of many people, as did the case of Jessica Wongso.<sup>4</sup> Especially after it was discovered that the perpetrator was the victim's wife and her boyfriend, an Afghan citizen. Before this case was revealed, many people were curious to know exactly why the victim died. Various speculations say that the victim's death was caused by fighting robbers and being killed, there are allegations that the victim's death was due to an accident, and there are allegations that the victim's death was because it was planned by the perpetrator. Assumptions began to emerge when a number of irregularities were found at the crime scene (TKP). The sequence of events that led to the victim's death cannot yet be ascertained, because we have to wait for the results of the investigation and investigation by the police. This case is classified as very difficult for the police to solve, and takes a long time. This is because the evidence and evidence have been thrown away, removed, erased, or damaged by the perpetrators.

Based on the chronology of the case, the doctrine of causality is useful for analyzing the relationship between one act and another or between one factor and another which causes consequences.<sup>5</sup> The essence of the doctrine of causality is actually as a tool of analysis to determine someone as the perpetrator, the level of error committed, and criminal responsibility.<sup>6</sup> Therefore, this research is intended to conduct a more in-depth study, provide criticism of theories in the teaching of causality, and at the same time find the most

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<sup>3</sup> Diva Lufiana Putri, Farid Firdaus, "Kembai Mencuat, Ini Perjalanan Kasus "Kopi Sianida" Jessica Wongso 2016 Silam," Kompas.com., 25 Agustus 2023, <https://www.kompas.com/tren/read/2023/08/25/171500965/kembali-mencuat-ini-perjalanan-kasus-kopi-sianida-jessica-wongso-2016-silam?page=all>.

<sup>4</sup> Farid Nur Aziz dan Hadi Purnomo, "Menganalisis Hubungan Sebabakibat Dalam Kasus Jessica Wongso Dari Perspektif Hukum Kausalitas," *Jurnal Ilmu Kepolisian* 18, no. 1 April (2024): 586-601. <https://doi.org/10.35879/jik.v18i1.442>.

<sup>5</sup> Ahmad Sofyan, *Ajaran Kausalitas Hukum Pidana*, (Jakarta: Prenadamedia Group, 2018), p. 10.

<sup>6</sup> Youngky Fernando dan Asti Wasiska, "Tindak Pidana Dan Unsur-Unsurnya Versus Deelneming Delicten/ Tindak Pidana Penyertaan Versus Pertanggungjawaban Tindak Pidana," *Jurnal Ilmiah Manazir Universitas Ibnu Chaldun 1*, no. 1 Juni-Desember (2023): 57-71. <https://jurnal.uic.ac.id/index.php/manazir/article/view/157>.

superior theory so that in the future it can be applied by law enforcement officials in uncovering similar murder cases and other cases.

Previous research related to the teaching of causality, for example: the first case, related to the Jessica Kumala Wongso case with the teaching of causality. The research results show that the doctrine of causality is important in determining the cause and effect between Jessica Wongso's actions and Wayan Mirna's death. Law enforcement officials believe that Jessisa's actions were the direct cause of Wayan Mirna's death. Through CCTV footage and forensic pathologist analysis, it forms the basis for determining cause-and-effect relationships, so that the doctrine of causality becomes the basis for determining Jessica Wongso's criminal responsibility. This research contributes to an in-depth understanding of how the concept of causality is applied in controversial and complex legal cases.<sup>7</sup> The second case was related to a traffic accident which resulted in the victim's death. The research results stated that the police had used the teachings of causality by identifying and securing crime scenes, making a series of accident sketches, taking measurements, recording witness identities, examining the condition of victims, and carrying out juridical analysis.<sup>8</sup> The third case discusses the application of cause and effect relationships in practice. This research offers the teaching that causality must be harmonized with the development of laws that exist in society and is guided by the theory of "conditio sine qua non", the general theory of balance, and specific theories.<sup>9</sup>

The third advantage of previous research is that it details each event and looks for the relationship between actions and the consequences. However, the weakness found is that it does not discuss the advantages and disadvantages of the theory of causality and does not offer a superior theory that can be used to uncover similar cases. The application of the teaching of causality has not been discussed in more depth, although it has been applied from different points of view. Therefore, this research focuses on a more specific study of the nature of the doctrine of causality in uncovering premeditated murder cases in Jayapura City and the obstacles. Apart from that, this research is intended to contribute to law enforcement officials so that they can be more careful and careful in using superior theories in the teachings of causality. So that the material truth found can be used to determine the perpetrator's guilt and criminal responsibility accurately and fairly.

## METHODS OF THE RESEARCH

The method chosen in this research is normative legal research or library legal research which focuses on secondary data.<sup>10</sup> Normative legal research (library legal research) is a method or methods used in legal research with existing library materials.<sup>11</sup> The approach methods in this research are the statutory approach and the case approach. The statutory approach was chosen because we wanted to conduct a review of the laws and regulations related to the crime of premeditated murder and the principles in examining cases at trial. Meanwhile, the case approach aims to study the case as stated in the court decision and carry out a review of the case decision in court according to the selected case. The main point of the case study is focused on applying the

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<sup>7</sup> Vivi Maria Fransiska Siregar & Hadi Purnomo, "Membedah Kasus Kopi Sianida Jessica Wongso Dengan Ajaran Kausalitas", *Jurnal Hukum Islam dan Humaniora* 2, no.4 Desember (2023): 901-909. <https://doi.org/10.58578/ahkam.v2i4.2438>.

<sup>8</sup> Rendy Christian Lande, "Penerapan Ajaran Kausalitas dalam Kasus Kecelakaan Lalu Lintas yang Mengakibatkan Kematian di Kota Jayapura," (Thesis: Universitas Cenderawasih, 2018).

<sup>9</sup> Andrio Jackmico Kalensang, "Hubungan Sebab Akibat (Causaliteit) Dalam Hukum Pidana dan Penerapannya Dalam Praktek" *Lex Crimen* 5, no.7 September (2016): 12-19. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/13493>.

<sup>10</sup> Nico Ngani, "Metodologi Penelitian dan Penulisan Hukum," (Yogyakarta: Pustaka Yustisia, 2012), p. 71.

<sup>11</sup> Soerjono Soekanto dan Sri Mamudji, "Penelitian Hukum Normatif: Suatu Tinjauan Singkat," (Jakarta: Rajawali Pers, 2015), p. 15.

doctrine of causality in the selected case so that it can be known with certainty the determination of guilt and criminal responsibility of the perpetrator of premeditated murder in Jayapura City. The research materials that will be used in this research are secondary data obtained from library research, documents, books, literature, notes and statutory regulations relating to the research object. The legal materials used are primary legal materials and secondary legal materials. The primary legal materials used are the Criminal Code, jurisprudence and court decisions. Meanwhile, secondary legal materials include research results, scientific publications and other scientific works. Collecting legal materials is carried out by studying documents or searching literature related to the problem being studied. The legal materials that have been obtained are re-examined for their correctness and consistency, then the existing documents are assessed and criticized. Analysis of research results is carried out by providing criticism, support, comments, then a conclusion is made using a literature review. This method of analysis is prescriptive, that is, it provides an assessment of whether the object under study is correct or not, or what it should be according to the provisions of the law.

## RESULTS AND DISCUSSION

### A. The Essentials of Causality Theory in Revealing Someone's Death Due to Premeditated Murder in Jayapura City

The theory of causality (teaching of causality), namely the theory of the causal relationship of an effect.<sup>12</sup> Cause and effect relates to which behavior should be called the cause of the consequences prohibited by law.<sup>13</sup> In a criminal incident, one action must be determined which is considered to be the cause of the consequences that occurred. Each action must be detailed carefully so that it can be determined when a cause can be called a consequence that can be punished. A person can only be blamed and held criminally responsible if the actions they have committed have clearly caused the consequences that occurred. The element of guilt determines whether a person is a perpetrator who can be punished or not because of a cause and effect relationship based on the teaching of causality.<sup>14</sup>

As a comparison, the doctrine of causality which is linked to a person's mistakes generally occurs in countries that adhere to civil law and common law legal systems. Civil law has jurisdiction in most Western European countries, Latin America, Near Eastern countries, most of Africa, Indonesia and Japan. Meanwhile, the common law jurisdictions are Australia, the United States, Singapore, Malaysia, New Zealand, most of Africa, India, Pakistan, Southeast Asia and America.<sup>15</sup> The teaching of causality in the civil law family originates from Germany, pioneered by Von Buri in the theory of *conditio sine qua non* (equivalent),<sup>16</sup> namely a theory that is able to solve the problem of a person's criminal responsibility for actions related to the consequences of death or injury. The equivalent theory cannot be applied directly to all cases that occur. Because in common law what is known as "but for test" cannot function when many causal factors come together.<sup>17</sup> If the

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<sup>12</sup>Marni Hasibuan, "Tinjauan Hukum Pidana Islam Terhadap Pembunuhan Menyerupai Sengaja Hubungan Dengan Pasal 351 Ayat (3) KUHP," *Al-Qanun: Jurnal Kajian Sosial dan Hukum Islam* 1, no.3 September (2020): 245-273. <https://jurnal.uinsu.ac.id/index.php/alqanun/article/view/7534>.

<sup>13</sup>Mahrus Ali, "Kritik Terhadap Pembuktian Hubungan Kausalitas Dalam Putusan Pengadilan Terkait Pasal 93 Undang-Undang Kejarantinaan Kesehatan." *Jurnal Hukum Ius Quia Iustum* 29, no. 3 (2022): 540-566, <https://doi.org/10.20885/iustum.vol29.iss3.art4>.

<sup>14</sup>Aris Prio Agus Santoso, Rezi, dan Aryono, *Pengantar Hukum Pidana*, (Yogyakarta: Pustakabarupress, 2021), p. 60.

<sup>15</sup>Ahmad Sofian, *op.cit.*, p. 154-156.

<sup>16</sup>Mawaddaturrokhmah, Muhamad Muhdar, dan Rini Apriyani, "Penerapan Teori *Conditio Sine Qua Non* Dalam Peristiwa Tumpahan Minyak di Teluk Balikpapan," *Risalah Hukum* 16, no.1 Juni (2020): 16-33. <https://doi.org/10.30872/risalah.v16i1.147>.

<sup>17</sup>*Ibid.*, p.159.

doctrine of causality in common law is related to a person's criminal responsibility, it must be proven whether there was an act carried out by a person, plus intention. Likewise, if applied to the crime of premeditated murder in Indonesia, the elements of the act and the resulting consequences are the main key, then it must be proven whether the act carried out is a manifestation of the person's intention or not, and the next stage is to prove the perpetrator's criminal responsibility for the act. which is conducted.

Both legal systems, both civil law and common law, adhere to the principle that the doctrine of causality cannot be used in all types of criminal acts. This is because in determining what is the cause of the effect, the references are different. The doctrine of causality in Dutch criminal law is different from English criminal law. The Dutch Criminal Code does not provide a definition in terms of fault and causality.<sup>18</sup> Regarding the issue of causality, the Dutch Criminal Code leaves it to the court to decide using the basis of doctrine or jurisprudence. In limiting causes that are too long, doctrine is used to limit them, namely the closest causes. The doctrine of causality used in criminal law in England is that the doctrine of causality is aimed at result crimes, that is, prosecution of a criminal act can only be carried out for actions that have caused prohibited consequences.<sup>19</sup> If the consequences that occur are not caused by the defendant's actions, then criminal responsibility cannot be imposed on the defendant. The problems associated with the doctrine of causality in criminal law in England depend on the jury's decision. It is the jury who determines whether the defendant's actions were the sole cause, the main cause, as an instigator or participant in carrying out the action that caused the consequences, or there was an action by a third party that broke the chain of causes. In principle, the defendant can only be subject to criminal sanctions if the act committed has a factual cause and a legal cause. Factual cause is a cause to prove whether an action was committed or not. Meanwhile, legal causation is a person's legal responsibility seen from the elements of wrongdoing that have been committed.<sup>20</sup>

In criminal law doctrine, it is known as the teachings used to determine the relationship between cause and effect,<sup>21</sup> of which theoretically there are 5 theories, namely:<sup>22</sup>

(1) *Conditio sine qua non* theory.

This theory does not differentiate between prerequisite factors and causal factors. All factors are equally important in the emergence of consequences, so there is no distinction between conditional factors and causal factors.<sup>23</sup> This theory comes from Von Buri, that every condition is a cause, because if the conditions were not there, then the consequences would be different too.<sup>24</sup> This theory is also called equivalence theory because all factors are

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<sup>18</sup>Widowati, Y.A. Triana Ohoiwutun, Fiska Maulidian Nugroho, Samsudi, dan Godeliva Ayudyana Suyudi, "Peranan Autopsi Forensik dan Korelasinya Dengan Kasus Kematian Tidak Wajar," *Refleksi Hukum: Jurnal Ilmu Hukum* 6, no.1 (2021): 1-18. <https://doi.org/10.24246/jrh.2021.v6.i1.p1-18>.

<sup>19</sup>Putri Fauziah, Erdianto Effendi, dan Adi Tiara Putri, "Analisis Yuridis Pertanggungjawaban Pidana Pembuat Stempel Yang Dipergunakan Konsumen Untuk Tindak Pidana Dikaitkan Dengan Ajaran Kausalitas," *JOM Fakultas Hukum Universitas Riau* 7, no.2 Juli-Desember (2020), p. 1-15. <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/29328>.

<sup>20</sup>Ahmad Sofyan, Kausalitas Dalam Hukum Pidana pada Keluarga Civil Law dan Common Law, Prociding Seminar Nasional, Pengembangan Epistemologi Ilmu Hukum, September 2015, p. 328. <https://publikasilmiah.ums.ac.id/xmlui/bitstream/handle/11617/5679/21.Ahmad%20Sofian.pdf?sequence=1&isAllowed=y>, DOI:10.13140/RG.2.1.3555.6328

<sup>21</sup>E. Utrecht, *Rangkaian Sari Kuliah Hukum Pidana I*, (Bandung: Universitas, 1958), p. 380. dalam Ahmad Sofyan, *Ajaran Kausalitas Hukum Pidana*, (Jakarta: Prenadamedia Group, 2018), p. 101.

<sup>22</sup>Ahmad Sofyan, *op.cit.*, p. 118.

<sup>23</sup>Adami Chazawi. (2002). *Pelajaran Hukum Pidana Bagian 2, Penafsiran Hukum Pidana, Dasar Penidaan, Pemberatan & Peringatan, Kejahatan Aduan, Perbarengan & Ajaran Kausalitas*. PT RajaGrafindo Persada. Jakarta. p. 218.

<sup>24</sup>Erdianto Effendi. (2011). *Hukum Pidana Indonesia Suatu Pengantar*. PT Refika Aditama. Bandung. p. 205.

equally important for a prohibited consequence.<sup>25</sup> It is also called *bedingungs* theory because it does not differentiate between conditional factors and causal factors.<sup>26</sup> The weakness of this theory is that it does not differentiate between conditions and causal factors, so it can lead to injustice. A person can only be held criminally responsible if they are proven to have committed a mistake (*dolus/culpa*) and are related to the consequences.<sup>27</sup> In addition, this theory expands criminal liability. If this theory is used, it will have implications for the possibility of criminalization of people who should not be punished, both based on a sense of justice and based on the concept of criminal law. Because, a person can only be subject to criminal sanctions if they fulfill two conditions, the first is that the person commits a criminal act and the second, at the time of doing so the person is a person who can be held criminally responsible.<sup>28</sup> The weakness of this theory is that it is too broad and limitless, so that too much is connected to one event. As a result, many people fail to find and account for someone's criminal actions that have caused consequences. This failure can be overcome by the teaching of error, namely ignoring all causes that are outside of *dolus* and *culpa*.<sup>29</sup> Apart from that, the *conditio sine qua non* theory cannot be ignored, because this theory is the starting point for finding causality in law.

## (2) Individualizing theory (*causa proxima*).

Individualizing theory is a theory that tries to find the causal factors for the effects, by only looking at the factors that exist after the action is carried out.<sup>30</sup> The origin that is the cause is the condition that most helps the effect to arise.<sup>31</sup> Supporters of this theory are Birkmeyer, Karl Binding, and Kohler. Birkmeyer's theory is that not all factors that cannot be eliminated can be assessed as causal factors, but only those factors which, according to the reality after the event has occurred concretely (*post factum*), are the factors that have the most dominant or strongest influence on the emergence of the consequences.<sup>32</sup> Karl Binding's theory states that among various factors, the causal factors are only those that are most important and balanced or in accordance with the consequences that arise.<sup>33</sup> Kohler's theory states that causes are conditions which by their nature give rise to effects. The weakness of this theory is the difficulty in determining which factors have the strongest influence (*inconcreto*). Moreover, there is more than one factor that is considered the strongest and both have a very strong influence on the outcome. This is certainly very difficult to implement. Therefore, this weakness gave rise to dissatisfaction among some legal experts with individualizing theories, so generalizing theories were born.

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<sup>25</sup>Ahmad Sofian, "Doktrin Kausalitas Kasus Mirna-Jessica," *Business-law.binus.ac.id.*, Februari 2016. <https://business-law.binus.ac.id/2016/02/28/doktrin-kausalitas-kasus-mirna-jessica/>

<sup>26</sup>Lila Yurifa Prihasti, "Tindak Pidana Penganiayaan Yang Disertai Dengan Perkosaan Dan Pencurian Yang Dilakukan Oleh Anak Mengakibatkan Matinya Para Anak Korban (Studi Kasus Perkara Nomor: 25/Pidsus.An/ 2014/Pt.Sby)," *Jurnal Panorama Hukum* 3, no. 1 Juni (2018): 73-86. <https://doi.org/10.21067/jph.v3i1.2434>.

<sup>27</sup>Sabungan Sibarani, "Tindak Pidana Kealpaan Dalam Kecelakaan Lalu Lintas Di Jalur Transjakarta," *Yure Humano* 3, no. 2 (2019): 74-88. <https://mputantular.ac.id/ojs/hukum/index.php/yurehumano/article/view/75>.

<sup>28</sup>Putri Adintya dan Meli Tania, "Meminimalisasikan Kasus Penceraan Nama Baik Menggunakan Penerapan Asas Sebab Akibat Dalam Bidang Sarana Elektronik," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 1 Januari-April (2023): 1140-1156. <https://bureaucracy.gapenas-publisher.org/index.php/home/article/view/289>.

<sup>29</sup>Aria Chandra Gunawan, Dika Yudanto, dan Amir Junaidi, "Tinjauan Hukum Pidana Terhadap Tindakan Malpraktek dalam Bidang Kesehatan atau Medis," *Unes Law Review* 6, no. 2 Desember (2023): 5387-5397. <https://review-unes.com/index.php/law/article/view/1313/1089>.

<sup>30</sup>Ahmad Sofian, Kausalitas: Analisis Singkat Jatuhnya Lion Air, *Business-law.binus.ac.id.*, November 2018. <https://business-law.binus.ac.id/2018/11/05/kausalitas-analisis-singkat-jatuhnya-lion-air/>.

<sup>31</sup>Muh. Nizar, Amiruddin, dan Lalu Sabardi. (2019). *Ajaran Kausalitas Dalam Penegakan Hukum Pidana (Studi Putusan Mahkamah Agung Nomor 498 K/PID/2016)*. Vol.7 No.1. Januari. p. 190. <https://doi.org/10.37081/ed.v7i1>.

<sup>32</sup>Tongat. (2008). *Dasar-dasar Hukum Pidana Indonesia Dalam Perspektif Pembaharuan*. UMM Press. Malang. p. 175.

<sup>33</sup>Eddy O.S. Hiariej. *op.cit.* p. 174-175.

### (3) Generalizing theory.

This theory still maintains Von Buri's theory, namely trying to make a distinction between one condition and another, then each condition is given an assessment according to a reasonable calculation or in general can be seen as a cause that gives rise to an effect.<sup>34</sup> In looking for the causes of several factors related to the emergence of an effect, the focus is on factors that are reasonable, reasonable and according to general experience (abstracto) can cause an effect. This theory ultimately gives rise to differences in normal understanding and calculation problems, so that several theories emerge. The balance theory or subjective adequacy theory (Von Kries), states that the action that is the cause is an action that was previously known by the perpetrator.<sup>35</sup> A person's guilt is determined by the perpetrator's knowledge of the causal relationship that occurred.<sup>36</sup> Balance theory or objective adequate theory (Rumelin), which is the cause or effect is objective factors originating from actions that are interrelated and mutually support the occurrence of criminal acts.<sup>37</sup> Normal calculations are not only conditions that will then be known subjectively but also conditions that will be known objectively. Simons' combined (subjective and objective) balance theory states that to determine the conditions for a cause that gives rise to an effect, one must take into account the conditions known to the maker himself and the conditions known to many people, even though the maker himself is not known. The weakness of a generalizing theory is that it only looks for the causes that influence the emergence of an effect by observing and assessing it fairly according to reason and experience which generally causes the effect. Every cause found should always be linked to the emergence of a prohibited effect. If it naturally or generally does not cause consequences prohibited by law, then a person cannot be held criminally responsible.

Based on the weaknesses of these three theories, the generalizing theory still has advantages, and is superior to the individualizing theory and the *Conditio sine qua non* theory, especially in measuring a person's level of error. In the event that consequences do not necessarily arise, they can be borne by someone if, according to reasonableness and experience, they generally do not cause consequences. In its application, this generalizing theory is also very suitable for use by law enforcement officers in Jayapura City in uncovering the premeditated murder case committed by initials CC (wife) against the initials N (husband) together with her lover MM. Based on the case decisions analyzed, it shows that law enforcement officials have objectively used the doctrine of causality, starting from the level of investigation, prosecution to the final court decision stage. At the inquiry and investigation stages, the police officers' actions were considered to have been very careful and thorough when looking for the causes of the series of events and actions in this case. Start the process of processing the crime scene, searching for and collecting evidence, collecting witness statements and other important evidence. At the investigation stage, investigators succeeded in finding a number of incidents related to the case so that in the end the perpetrator was revealed and easily arrested.

In analyzing the causes of the premeditated murder case in Jayapura City, a chronology will be given which could be the cause of a series of actions according to causality theory, as follows: starting with a woman with the initials (CC) in 2020 she became acquainted with

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<sup>34</sup>H. Suyanto, "Pengantar Hukum Pidana," (Yogyakarta: Deepublish, 2018), p.133.

<sup>35</sup>H.M. Rasyid Ariman dan Fahmi Raghieb. *Op.cit.* p. 280.

<sup>36</sup>Tongat. *Op.cit.* p. 178.

<sup>37</sup>Roni Wiyanto, "Asas-asas Hukum Pidana Indonesia, (Bandung: Mandar Maju, 2012), p. 106.

a man with the initials (MM) resident Afghanistan, in an event at a café. Continuing via Instagram and WhatsApp, the two of them met directly at a hotel, when CC and N as her husband (victim) celebrated the new year 2021. CC and MM's relationship became closer and became lovers (dating) until they had a relationship like husband and wife since January 2021. This action is carried out repeatedly until every time there is an opportunity to meet each other. CC and MM's relationship continues until it is often CC who provides money and living expenses for MM and pays the house contract. However, both of them could no longer stand being in an unclear relationship, so both of them had the intention to continue with marriage, but were hampered by their legal marital status (CC).

At that time, both of them began to have intentions to plan the murder of CC's husband. The first plan, MM wanted to kill the victim by robbing the victim's gold shop, but failed to do so. Second, MM ordered CC to poison the victim with medicine for foot fungus. CC had bought the drug online to pour into the coffee or milk glass that CC's husband drank, but he didn't do it. Third, MM asked CC for 100 million to pay a shaman for black magic to kill CC's husband, but CC did not give him the money. Fourth, MM asked for another 50 million to hire someone to kill the victim, but he didn't do it. Fifth, MM asked CC for a small knife (badik) on the grounds that he would be safe on the way back and forth to the boarding house. CC gave MM her husband's knife. Sixth, MM often asked (CC) about the place, the road that the victim often used when going to Jayapura and returning home in Arso 2. Seventh, the plan to kill the victim finally happened and was carried out by MM and CC together.

The planning for the murder began with a series of events, namely: (a) (CC) and (N) husband (victim) left the house in a car (N was driving and CC sat beside), (b) (CC) and (N) went to the doctor eye. (c) eating at a stall, (d) going to a perfume shop to buy perfume seeds, (e) going to Jayapura Mall, (f) parking the vehicle at the mall, (g) going to hypermart to buy pampers and children's milk, (h) MM then contacted CC to look for food and ask for money, CC reasoned with her husband (victim) that he was going to the toilet, even though he wanted to meet MM and hand over 1 million to MM, (i) CC gave instructions to follow the victim's car on the way home later by car rental to block the victim's car, (j) in the middle of the journey MM carried out his action by ordering (N) to get out of the car. (k) when the victim got out of the car MM claimed to be a police officer while pretending to say that there was marijuana in the victim's car. The victim answered there wasn't, MM said "wait, another police officer will come later", the victim didn't care and immediately got into the car again. (l) When the victim was about to get into the car, suddenly from behind MM stabbed the victim in the back of the body with a knife several times randomly towards the victim's head and body. (m) The victim fell into the car. (n) MM stabbed again towards the victim's neck and body and repeatedly until the victim was bleeding and did not move. (o) MM asked CC to immediately delete all of the defendant's contacts on his cellphone, and ordered him to delete all SMS, DM, Whatsapp, call logs on CC's cellphone. (p) CC handed the knife to the defendant MM to throw into the waste channel and told MM to leave CC. (q) CC tried to stop a passing vehicle while shouting for help, admitting that CC and her husband had been robbed by four people. (r) several people took (N) to the nearest hospital, but (N) was already dead at the time of the incident, because he had lacerations and abrasions on the head, neck, back and chest due to sharp violence.

Based on the chronology of the case, it can be analyzed that: if using the *conditio sine qua non* theory, then all series of actions were the cause of the victim's death. This means that if



this theory is applied, then everyone involved in this series of actions can be held criminally responsible, for example: cafe owners, hotels, malls, car rentals, and so on. Regarding the *conditio sine qua non* theory, we can refer to Adami Chazawi's opinion that there is no distinction between conditional factors and causes, everything that is related to an event so that it causes an effect is also a cause.<sup>38</sup> Likewise, Sudarto stated that every condition is a cause, all conditions have the same value, if one of them is not met, the impact or consequences will certainly be different.<sup>39</sup> An effect will not exist without a series of behaviors which are conditions for the effect to occur.<sup>40</sup> Each action is a condition that is the cause, so the value is the same.<sup>41</sup> Eddy O.S. Hiariej, stated: the *conditio sine qua non* theory is too broad in scope, the conditions and causes are different, and it is possible that the causes that give rise to consequences come from more than one action.<sup>42</sup> Thus, this theory is not suitable for use in criminal law, especially to determine criminal responsibility in cases of premeditated murder.

According to the individualization theory, in the premeditated murder case analyzed this was clearly visible when MM stabbed the victim's body and head until he fell. According to proper calculations, it was the act of stabbing that resulted in the victim's death. Linked to Birkmeyer's theory, the most important condition for determining the result of the victim's death is when MM stabbed with a knife a second time after the victim fell down during the first stabbing, until the victim did not move. Meanwhile, referring to Karl Binding's theory, MM's act of stabbing the victim's body and head for the first time and then the victim falling down played a major role in causing an outcome, but if the stabbing action had not been continued a second time, then this consequence would not have occurred. The victim could most likely still have been saved and not have died during the second stabbing. Meanwhile, referring to Kohler's theory, what was the cause was that MM's act of stabbing the victim's body and head multiple times was a condition which, according to its nature, resulted in the victim's death.

According to generalization theory, the appropriate, comparable, balanced, adequate (adequate) action that resulted in the death of the victim was when MM stabbed again several times after the victim fell down as a result of the previous stabbing. Meanwhile, when MM ordered the victim to get off, if it turned out that the victim had fallen down, was covered in blood and was dead, then it cannot be said that the victim's death was due to MM's actions in stopping the car (N).

In relation to Von Kries' theory, MM's action of stopping the car (N) cannot be counted as causing the death of the victim (N). Likewise, when MM stabbed the victim's body and head until he fell into the car (the first stabbing), it cannot be counted as a result of death. Then the act or cause that should be used as a condition for a proper calculation, or in Andi Hamzah's term, comparable, balanced,<sup>43</sup> commensurate, is only the act that occurred when MM re-stabbed (second stabbing) after the victim had fallen into the car. MM had previously known that the act of re-stabbing would result in the death of the victim (N), and in fact the victim did not move. This means that MM's act of stabbing him from behind when the victim was about to get into the car and then fell down, was not the main cause of the victim's

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<sup>38</sup>Adami Chazawi, *loc.cit.*

<sup>39</sup>Sudarto, *Hukum Pidana Jilid I A-B*, (Semarang: Fakultas Hukum Universitas Diponegoro, 1975), p. 55.

<sup>40</sup>Mahrus Ali, *loc.cit.*

<sup>41</sup>E.Y. Kanter dan SR. Sianturi, *Asas-Asas Hukum Pidana di Indonesia dan Penerapannya*, (Jakarta: Alumni AHM-PTHM, 1983), p. 126.

<sup>42</sup>Eddy O.S. Hiariej, *op.cit.*, p. 169.

<sup>43</sup>Andi Hamzah, *op.cit.*, p. 172.

death. The problem was that when the victim fell down he was still trying to protect his head and body with both hands, so it was very clear that the victim was still not dead at that time. If only someone else had come to help at that time, it is likely that the victim's life could have been saved. The victim can immediately be helped by a doctor at the hospital to receive initial treatment for the injuries he has suffered.

The next thing that needs to be studied in more depth is the attitude and actions taken by CC when she found out that her husband (N) had been stabbed in the back by MM. In fact, CC did not try to prevent or help her husband from the knife attack. Logically, this makes no sense, if this happened to someone else, then you can be sure that the wife would try to help her husband who was attacked with all her might and in any way possible to save her husband and herself. However, CC did not do this even though it was her legal husband who was attacked. Therefore, appreciation should be given to the police investigators who have uncovered this case very carefully. Police investigators have tried to find information and a number of irregularities which are considered very unreasonable (suspicious) regarding CC's behavior as a wife. Investigators' suspicions arose when information was obtained that CC remained silent in the car and did not try to provide assistance or shout for help. This means that CC deliberately allowed her husband (N) to be killed by MM with a knife that had been given to him previously. MM and CC, after the victim died, have tried to remove evidence and remove traces of blood that were spilled inside and outside the car. After being sure that her husband was dead, CC told MM to throw away the bag and knife used to stab her husband, then CC shouted for help. This condition is related to the results of previous research by Totok Sugiarto, et al. that: in the premeditated murder case carried out by FS, there was an attempt to destroy evidence and fabricate the case so that investigators experienced difficulty in uncovering the facts and obtaining evidence.<sup>44</sup>

This situation is what causes CC's actions to be investigated first by investigators (as a subjective determination) and information is obtained that CC deliberately did not provide assistance to the victim or tried to scream for someone's help, with the intention of making the murder plan come true. CC's actions are actually strong evidence that CC was also involved in helping to realize the offense and the consequences that occurred. Therefore, the investigator's actions were deemed appropriate to determine CC as a suspect because it was also the cause of the victim's death. It was also revealed that CC had agreed with MM to carry out a plan to kill the victim and wanted (N) to die in the murder plan.

According to Rumelin's theory, MM's actions when re-stabbing the victim who had fallen down could be seen as an action that could result in the victim's death, without having to look at the circumstances or objective knowledge in general. Apart from this theory, CC can also be seen as the right person who can be held criminally responsible because according to an objective determination, CC's actions are seen as someone who participated in assisting the murder, resulting in N's death. This is different from Von Kries' theory of adequate subjective determination, because the actions carried out by CC need to be investigated first, if it turns out that CC did not know that the victim would die, then CC cannot be held criminally responsible, and vice versa. In reality, CC's actions are seen as a cause, by naming CC as a suspect, then processed further, examined and tried by a judge

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<sup>44</sup>Totok Sugiarto, Purwanto, Enny Sunarlin, AzisSetyagama, dan Wawan Susilo, "Pembunuhan Berencana dalam Pasal 340 KUHP dalam Perspektif Justice Colaborator," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam*, 26, no. 1 (2023): 121-136, <https://doi.org/10.15642/alqanun.2023.26.1.121-136>

up to the cassation level. The legal process that CC went through was very long, but still judges at all court levels sentenced him to life imprisonment.

Furthermore, if it is related to Simons' opinion, it is not only the maker that is considered important, but there are at least three things, namely: known by the maker, should be known by the maker, and known by the public.<sup>45</sup> Thus, the basis of guilt and criminal responsibility for MM and CC is based on actions that MM and CC previously knew would result in the death of the victim. If MM stabs the victim's head and body repeatedly, then the consequences should be known to MM and CC. This is also the case according to the views and experiences of people in general, because it rarely happens if someone has been stabbed with a knife repeatedly towards the head and body or other bodies until they fall down and do not move but the victim does not die.

The legal process for defendants MM and CC was then tried by a court judge relying on the doctrine of causality carefully and precisely. In examining the defendants, the first thing the judge did was look for whether there was a cause and effect relationship for the actions committed by defendants MM and CC. After being sure that there is a cause and effect relationship, the judge determines one act among a series of acts that can be assessed as the act that caused the result that the victim died. This is useful for determining guilt for acts committed with elements of the offense of murder. If everything is proven and there are elements of error committed by MM and CC then they should be held criminally responsible.<sup>46</sup> This is in line with the results of previous research that error is a subjective element that is a condition for a person to be subject to criminal sanctions, either intentionally or negligently, resulting in the death of another person.<sup>47</sup> It can be stated emphatically that the conditions for a person to be convicted are that they committed a criminal act, had an error in the form of intent/negligence, the perpetrator is capable of taking responsibility and there is no excuse for forgiveness.<sup>48</sup> Thus, the perpetrators MM and CC have fulfilled all these requirements, so they deserve to be punished. It seems that jurisprudence in Indonesia does not strictly adhere to one of the existing theories, but there is a tendency to be guided by the adequate theory to see causal relationships.<sup>49</sup> Therefore, to be able to say that there is a causal relationship, it is required that there be a direct and immediate relationship between the action and the effect.<sup>50</sup>

According to relevance theory, the elements of the offense of Article 340 Jo. Article 55 paragraph (1) 1 of the Criminal Code must be linked to a series of acts starting with the emergence of the intention to commit murder, preparatory acts, the beginning of the implementation, until the completion of the offense and the consequences that occur. The elements in the premeditated murder article include: the element of anyone, which means it is related to the legal subject and MM and CC include people who are capable of taking

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<sup>45</sup>H.M. Rasyid Ariman dan Fahmi Raghrib, *op.cit.*, p. 281.

<sup>46</sup>Anri Darmawan, Bintang Prima Fauziah, dan Nurulita Desnia Putri, "Pertanggungjawaban Pelaku Tindak Pidana Pembunuhan Dengan Mutilasi Akibat Gangguan Jiwa," *Varia Hukum: Jurnal forum Studi Hukum dan Kemasyarakatan* 3, no. 2 Juli (2021): 1-10. <https://doi.org/10.15575/vh.v3i2.12615>.

<sup>47</sup>Renaldi Markus Larumpa, Selfianus Laritmas, dan Usak, "Kajian Hukum Putusan Nomor: 01/Pid.Tipikor/2013/Pn.Tte Tentang Penjatuhan Tindak Pidana Korupsi," *Humantech: Jurnal Ilmiah Multidisiplin Indonesia*, 2, no. 3 (2022): 745-764, <https://journal.ikopin.ac.id/index.php/humantech/article/view/1506>.

<sup>48</sup>Marsudi Utoyo, Kinaria Afriani, Rusmini, dan Husnaini, "Sengaja Dan Tidak Sengaja Dalam Hukum Pidana Indonesia," *Lex Librum*, 7, no. 1 (2020): 75-85, <https://lexlibrum.id/index.php/lexlibrum/article/view/298/pdf>.

<sup>49</sup>Tongat, *Op.Cit.*, p. 180.

<sup>50</sup>Selly Ismi Qomariyah, Y.A. Triana Ohoiwutun, Sapti Prihatmini, "Tindak Pidana Kelalaian Dokter Gigi yang Menyebabkan Luka pada Pasien (Analisis Putusan Nomor: 257/Pid.B/2015/PN.Dps)," *Lentera Hukum* 5, no.3 Desember (2018): 493-506. <https://repository.unej.ac.id/xmlui/handle/123456789/112276>.

responsibility. The element of deliberately and with prior planning to take another person's life means that MM and CC already had a joint intention to commit murder and wanted the victim to die.<sup>51</sup> In theory, there are 3 forms of intentionality, namely: intentionality as a goal, certainty, and possibility.<sup>52</sup> CC's intention to carry it out can be seen from his actions in deliberately ordering MM to carry a knife when carrying out the plan to kill the victim. The pattern of intentionality committed by MM can be seen from his actions in which he stabbed the victim in the head and body many times until the victim died, which can be classified as intentional as an intention or purpose.<sup>53</sup> In other words, the act of stabbing repeatedly until the victim did not move (died) was the action and result that MM really wanted.<sup>54</sup>

The conditions for an action to be said to be planned are: having sufficient time, considering the pros and cons (intentions and consequences), taking into account the time and place, preparing the tools and infrastructure used, and having thought about it in a calm mental atmosphere. The results of previous research stated: between intention and implementation there is time to think and consider the results with a calm decision.<sup>55</sup> Based on the case analyzed, these elements are in accordance with the conditions carried out by (MM) and (CC), namely that before killing the victim, both of them had prepared and planned the action to kill the victim. The motive of the two perpetrators was because they wanted to control the victim's property and immediately live together as a husband and wife. The results of previous research show similarities in motives, namely: infidelity, economic factors, and the differences, plus the factor of hurt feelings (revenge) and social factors.<sup>56</sup> The results of previous research also discussed the motive for another premeditated murder case (FS case) due to anger and emotional factors.<sup>57</sup> Meanwhile, in the case being analyzed, it was not because of anger and emotion, but because of romance and wealth. Therefore, the perpetrator intended to kill the victim with an agreement and planning that had been made beforehand. MM and CC could not escape when they were named suspects by Jayapura City Police investigators. Even though initially he did not admit his actions, the evidence obtained by investigators was very strong, such as: cellphone, short jeans and shirt with bloodstains, burnt bag logo, rental car, mask, proof of transfer, evidence of several CCTV camera recordings, and evidence from forensic biological chemists. On examination of the victim's body (N), lacerations and abrasions were found on the head, neck, back, chest, upper and lower limbs which could have been caused by sharp violence. The reason why the victim (N) died cannot be known because an autopsy was not carried out.

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<sup>51</sup>Adil Akhyar, Danialsyah, dan Bukhari, "Analisis Yuridis Tindak Pidana Pembunuhan Disertai Pemerkosaan (Analisis Putusan Nomor: 271/Pid.B/2019/PN Mrb)," *Jurnal Meta Hukum* 2, no.2 Juli (2023): 39-50. <https://doi.org/10.47652/jmh.v2i2.421>.

<sup>52</sup>Nursyarifa Mahyudin, Michael Barama, dan Hironimus Taroreh, "Pertanggung Jawaban Pidana Masing-Masing Peserta Dalam Pembunuhan Berencana Karena Perintah Jabatan," *Lex Privatum*, 12, no. 3 (2023): 1-11, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/52411>.

<sup>53</sup>M. Syarifudin Abadillah, "Penerapan Asas Kausalitas Dalam Kecelakaan Lalu Lintas Yang Menyebabkan Korban Meninggal Dunia." *Jurnal Kertha Semaya* 8, no. 5 (2020): 800-808, <https://ojs.unud.ac.id/index.php/kerthasemaya/article/view/58876>. <https://doi.org/10.24843/KS.2024.v12.i02>

<sup>54</sup>Eddy O.S. Hiariej, *op.cit.*, p. 136.

<sup>55</sup>Echwan Iriyanto dan Halif, "Unsur Rencana Dalam Tindak Pidana Pembunuhan Berencana Kajian Putusan Nomor 201/Pid.B/2011/PN.Mrs," *Jurnal Yudisial*, 14, no. 1 (2021): 19.35, <https://doi.org/10.29123/jv.v14i1.402>.

<sup>56</sup>Muh Ikhsan, Nasrullah Arsyad, dan St Ulfah, "Analisis Kriminologis Tindak Pidana Pembunuhan Berencana Oleh Suami Terhadap Istri," *Qawanin Jurnal Ilmu Hukum*, 2, no. 1 (2021): 1-18, <https://jurnal.fh.umi.ac.id/index.php/qawaninjih/article/view/352>.

<sup>57</sup>Ashari, Nengsih Sri Wahyuni, Moh. Ery Kusmiadi, "Motif Kasus Pembunuhan Berencana Tinjauan Dinamika Psikologi (Motive Of Planned Murder Case Review Of Psychological Dynamic)," *JIH: Equality Before the Law* 2, no. 1 (2023): 1-25. <https://unimuda.ejournal.id/jurnalilmuhukum/article/view/3712>

Furthermore, regarding the elements of Article 55 paragraph 1 of the Criminal Code, namely those who do it, those who order it to do it and those who participate in doing the act, all of these elements have been fulfilled. It is proven that MM and CC have agreed, jointly, and participated, in planning the murder of the victim, to control the victim's property. Both of them support each other so that during examinations during investigations and at trials, both of them always give complicated statements in order to avoid punishment. However, in the end, MM and CC were helpless after being shown evidence regarding several actions they had committed. So, for the evil acts carried out premeditatedly by MM and CC, the judge at the first level to the cassation level sentenced both of them to life imprisonment. Although according to Andrio Jackmico Kalensang's view, in practice the teaching of causality is more harmonious if its application is adapted to the development of laws that exist in society.<sup>58</sup> The judge stated that this condition was included in the basic considerations in the decision, namely mitigating and aggravating factors. Therefore, the verdict handed down by the judge was deemed appropriate according to the teachings of causality theory based on one of the aggravating actions of MM and CC which resulted in the victim's death.

## **B. Obstacles in Applying Causality Theory in Revealing Deaths Due to Premeditated Murder in Jayapura City**

The obstacle in applying the theory of causality to deaths resulting from premeditated murder in Jayapura City lies in a series of actions that accompany the emergence of prohibited consequences. Every event that occurs must be described and detailed and carefully linked between one action and another. So that you get a clear picture of which actions can be considered as the cause of an effect. If one act turns out to be unrelated to the other, it must be immediately put aside. The problem that occurs is that if the *conditio sine qua non* theory is applied to analyze cases of death due to premeditated murder in Jayapura City, it will experience problems in its application. The reason was that before the victim NN died he still went to several places, to eat and go shopping with his wife. Meanwhile, MM also followed the victim and his wife wherever they went because CC always tried to secretly contact MM. It can be said that the series of actions of CC and MM starting from going to places to eat and shopping places cannot be considered to be related to the victim's death. Likewise, with vehicles rented by MM, the party who rents (the owner) of the vehicle cannot also be held criminally liable. Even though the vehicle was connected to the murder incident, the owner clearly did not know that the vehicle would be used to commit the crime. Therefore, if the *conditio sine qua non* theory is used to determine guilt and criminal responsibility for the death of victim NN, then it is very inappropriate and cannot be applied. The consequence, if implemented, is that someone who had nothing to do with the victim's death could ultimately be blamed and held criminally responsible, even though they should not be.

Obstacles in applying individualizing theories, the obstacles found are when searching for and determining the relationship between a series of actions which are the causes of the effects. In practice, individualizing theory is difficult to apply when a series of actions involves many people. The obstacle that arises when looking for an action that can be used as the strongest condition turns out to be more than one action that both have a big influence

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<sup>58</sup>Andrio Jackmico Kalensang, "Hubungan Sebab Akibat (Causaliteit) Dalam Hukum Pidana Dan Penerapannya Dalam Praktek." *Lex Crimen* 5, no. 7 (2016): 12-19, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/13493>.

on the outcome. Thus, one must look for the greatest condition, the last condition which is capable of eliminating balance, and the qualitative condition which according to its nature is important for the effect to arise. Therefore, this individualizing theory can generally still be used to uncover cases of NN's death. The consideration is that the perpetrators CC and MM both in real circumstances had a big influence on the death of victim NN. Although measuring the actions that can be considered to have the greatest influence on the consequences is still difficult, because there may be differences of opinion among law enforcement officials.

Obstacles in applying theories that generalize, the obstacles found are in terms of seeing and assessing facts which generally according to proper calculations can be considered as causes that give rise to effects. In practice, such conditions cannot yet be implemented properly because they still cause difficulties in determining normal or feasible calculations. Meanwhile, if you use Von Kries' adequate theory, it becomes very clear that what is meant by a normal or feasible calculation is a situation that is known or must be known by the maker (subjective adequate) and is balanced with the consequences that arise. If you use Rumelin's objective balance theory, then measuring actions that are considered as causes is not only seen from subjective balance, but also from objective circumstances. Meanwhile, if you use Simons' combined balance theory, then to determine the conditions as a cause, you need to take into account the conditions known by the maker (subjective circumstances) and known by people in general (objective circumstances). Even though there are difficulties in its application, the generalizing theory can be considered the most superior theory currently when compared to other theories of causality. Even in uncovering the case of NN's death, law enforcement officers have applied Simons' combined balance theory. Generally, this generalizing theory is often applied by law enforcement officials, especially in searching for witnesses, evidence, evidence, up to the examination stage. Although according to adequate subjective theory it can be overcome by basing it on comparable/balanced calculations regarding circumstances that should be known by the maker to have consequences. However, in practice, police investigators are obliged to search for and find strong evidence, so that the case can be immediately transferred to the public prosecutor. After the trial, even if the defendant gives convoluted statements and does not admit to the crime, strong evidence will make the defendant helpless.

## CONCLUSION

The essence of causality theory in uncovering cases of victim deaths in Jayapura City has been applied using generalizing theories, in particular Simons' combined (subjective and objective) balance theory. This happened because based on the results of the crime scene investigation, a number of irregularities and suspicions were found, especially regarding the victim's wife who did not show sadness when taking the victim to the hospital. So in the process of the case, in the end the two perpetrators, namely CC and MM, were both sentenced to life imprisonment. Law enforcement officials have taken careful and precise calculations in determining the conditions for causes that give rise to effects according to the combined balance theory. The advantage of the combined balance theory means that premeditated murder cases can proceed with maximum results, because they are able to prove the guilt of both defendants. A series of actions have been tested for their material truth so that they are able to convince the judge and hand down a verdict with life imprisonment for the two defendants. The obstacles faced in applying generalizing theories

are difficulty finding witnesses, difficulty finding and finding evidence that has been damaged and thrown away by the perpetrator, and difficulty finding other evidence. So if there is a series of actions that cannot be taken into account as a cause that gives rise to an effect, it will affect the outcome of the judge's decision.

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Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

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